UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD DIVISION OF JUDGES

SHEEHY ENTERPRIZES, INC.

and Case 25-CA-030583

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, STATE OF INDIANA DISTRICT COUNCIL, a/w LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

Rebekah Ramirez, Esq., for the General Counsel.

Patrick Olmstead, Esq. and Paul Cummings, Esq., (Henn Haworth Cummings),
Greenwood, Indiana, for the Respondent.

Neil E. Gath, Esq., (Fillenwarth, Dennerline, Groth & Towe, LLP)
Indianapolis, Indiana, for the Charging Party.

SUPPLEMENTAL DECISION

STATEMENT OF THE CASE

Arthur J. Amchan, Administrative Law Judge. This supplemental proceeding was tried before me in Indianapolis, Indiana on November 13, 2013 pursuant to a compliance specification and notice of hearing issued on August 8, 2013. The compliance specification alleges the amount of backpay due under the terms of the Board's decisions and orders dated January 30, 2009, 355 NLRB No 84,(353 NLRB 803) and August 12, 2010, 355 NLRB No. 83 (355 NLRB 478), which were enforced by the U.S. Court of Appeals for the Seventh Circuit on July 14, 2011.

After I opened the hearing, the parties reached a joint stipulation. The terms of that stipulation are: 1) that the General Counsel would issue an amended compliance specification reflecting a back pay period beginning July 24, 2007 and ending March 31, 2009; 2) the General Counsel would recalculate the back pay amounts to the Union's trust funds to exclude payments to the training trust, the industry advancement fund and the substance abuse testing fund; 3) the parties waived oral testimony and the right to file a post-hearing brief; 4) Respondent agreed to withdraw its answer to the compliance specification and waived its right to file an answer to the amended compliance specification or to a hearing on the amended specification;

5) Respondent also agreed to waive any objection to the amended specification and its right to file exceptions to this decision with the Board.

The General Counsel issued the amended specification called for by the joint stipulation on December 9, 2013. Pursuant to the amended specification, Respondent owes \$66,945.70 in back pay to 20 named discriminatees. It also owes the Charging Party Union's Health & Welfare Fund \$134,721,33 on behalf of these 20 discriminatees and owes the Union Pension Fund \$60,146.27 on behalf of those individuals. Respondent owes a total amount of \$261,813.30.

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Therefore, I find that Respondent, Sheehy Enterprises, Inc. owes the amounts set forth in the December 9, 2013 Amended Compliance Specification.

Accordingly, based on the above findings and the record as a whole, I issue the following supplemental

ORDER

The Respondent, Sheehy Enterprises, Inc., Indianapolis, Indiana, its officers, agents, successors and assigns shall make whole the discriminatees and Union Trust Funds as set forth in the December 9, 2013 compliance specification.

Dated: December 12, 2013 Washington, D.C.

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Arthur J. Amchan Administrative Law Judge